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3 **BEFORE THE**
4 **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**
5 **DEPARTMENT OF CONSUMER AFFAIRS**
6 **STATE OF CALIFORNIA**

7 In the Matter of the Statement of Issues Against:

Case No. AL2004-128

8 CYNTHIA LEE BILLINGS
9 P. O. Box 8923
Truckee, CA 96162-8923

OAH No.

10 Respondent.

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12 **DECISION AND ORDER**

13 The attached Stipulated Settlement and Disciplinary Order is hereby adopted by
14 the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision
15 in this matter.

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17 This Decision shall become effective on date of licensure.

18 It is so ORDERED January 29, 2007.

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23 FOR THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
24 DEPARTMENT OF CONSUMER AFFAIRS
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of the State of California
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10 **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Statement of Issues Against:

14 CYNTHIA LEE BILLINGS
P. O. Box 8923
15 Truckee, CA 96162-8923

16 Respondent.
17

Case No. AL2004-128

OAH No.

18 **STIPULATED SETTLEMENT**
19 **AND DISCIPLINARY ORDER**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Heather Martin (Complainant) is the Executive Officer of the California Board of
24 Occupational Therapy. She brought this action solely in her official capacity and is represented
25 in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Janice K.
26 Lachman, Supervising Deputy Attorney General.

27 2. Cynthia Lee Billings (Respondent) is representing herself in this proceeding and
28 has chosen not to exercise her right to be represented by counsel.

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3. On or about June 6, 2005, the California Board of Occupational Therapy received an application for licensure as an occupational therapist from Respondent, which Respondent signed under penalty of perjury on or about May 9, 2005.

JURISDICTION

4. Statement of Issues No. AL2004-128 was filed before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on January 11, 2007. Respondent timely filed her Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No. AL2004-128 is attached as exhibit A and incorporation herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and understands the charges and allegations in Statement of Issues No. AL2004-128. Respondent has also carefully read and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. AL2004-128.

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9. Respondent agrees that her application for licensure as an occupational therapist is subject to denial and she agrees to be bound by the Board's imposition of discipline, as set forth in the Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the California Board of Occupational Therapy or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the California Board of Occupational Therapy. Respondent understands and agrees that counsel for Complainant and the staff of the California Board of Occupational Therapy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the application of Respondent CYNTHIA LEE BILLINGS for licensure as an occupational therapist is granted. Upon successful completion of

1 the licensure examination and all other licensing requirements, a license shall be issued to
2 Respondent. Said license shall be immediately revoked, the order of revocation stayed, and
3 Respondent placed on five (5) years probation on the following terms and conditions.

4 **1. Obey All Laws**

5 Respondent shall obey all federal, state and local laws and regulations governing the
6 practice of occupational therapy in California. Respondent shall submit, in writing, a full
7 detailed account of any and all violations of the law to the Board within five (5) days of
8 occurrence.

9 **2. Compliance with Probation and Quarterly Reporting**

10 Respondent shall fully comply with the terms and conditions of probation established
11 by the Board and shall cooperate with representatives of the Board in its monitoring and
12 investigation of Respondent's compliance with probation. Respondent, within ten (10) days of
13 completion of the quarter, shall submit quarterly written reports to the Board on a Quarterly
14 Report of Compliance form obtained from the Board (Attachment A).

15 **3. Personal Appearances**

16 Upon reasonable notice by the Board, Respondent shall report to and make personal
17 appearances at times and locations as the Board may direct.

18 **4. Notification of Address and Telephone Number Change(s)**

19 Respondent shall notify the Board, in writing, within five (5) days of a change of
20 residence or mailing address, of her new address and any change in work and/or home telephone
21 numbers.

22 **5. Tolling for Out-of-State Practice, Residence or In-State Non-Practice**

23 In the event Respondent should leave California to reside or to practice outside the
24 State for more than thirty (30) days, Respondent shall notify the Board or its designee in writing
25 within ten (10) days of the dates of departure and return. All provisions of probation other than
26 the quarterly report requirements, examination requirements, and education requirements, shall
27 be held in abeyance until Respondent resumes practice in California. All provisions of probation
28 shall recommence on the effective date of resumption of practice in California.

1 **6. Notification to Employer(s)**

2 When currently employed or applying for employment in any capacity in any health
3 care profession, Respondent shall notify her employer of the probationary status of Respondent's
4 license. This notification to the current employer shall occur no later than the effective date of
5 the Decision. Respondent shall notify any prospective health care employer of her probationary
6 status with the Board prior to accepting such employment. This notification shall be made by
7 providing the employer or prospective employer with a copy of the Board's Accusation,
8 Statement of Issues, Stipulated Settlement, or Disciplinary Decision (whichever applies).

9 Respondent shall cause each health care employer to submit quarterly reports to the
10 Board. The report shall be on a form provided by the Board, and shall include a performance
11 evaluation and such other information as may be required by the Board (Attachment B).

12 Respondent shall notify the Board, in writing, within five (5) days of any change in
13 employment status. Respondent shall notify the Board, in writing, within five (5) days if she is
14 terminated from any occupational therapy or health care related employment with a full
15 explanation of the circumstances surrounding the termination.

16 **7. Employment Requirements and Limitations**

17 During probation, Respondent shall work in her licensed capacity in the State of
18 California. This practice shall consist of no less than six (6) continuous months and of no less
19 than twenty (20) hours per week.

20 While on probation, Respondent shall not work for a registry or in any private duty
21 position, except as approved, in writing, by the Board. Respondent shall work only on a
22 regularly assigned, identified, and pre-determined work site(s) and shall not work in a float
23 capacity except as approved, in writing, by the Board.

24 **8. Supervision Requirements**

25 Respondent shall obtain prior approval from the Board, before commencing any
26 employment, regarding the level of supervision provided to the Respondent while employed as
27 an occupational therapist or occupational therapy assistant.

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Respondent shall not function as a supervisor during the period of probation except as approved, in writing, by the Board.

9. Continuing Education Requirements

Respondent shall complete continuing education course work in the areas of laws and ethics, clinical reasoning, and stress management. Such continuing education shall be completed by June 30, 2008.

The continuing education course work shall be in addition to the professional development activities required for license renewal. Respondent shall complete the required continuing education course work, as follows: one course in ethics for twelve (12) hours of credit; one course in clinical reasoning for two (2) hours of credit; and, one course in stress management for four (4) hours of credit. Within thirty (30) days of the Board's written notification of the assigned course work, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Failure to satisfactorily complete the required continuing education as scheduled shall constitute a violation of probation. Respondent is responsible for all costs of such continuing education. Upon successful completion of the courses, Respondent shall send the original certificates she receives for successful completion of the course work to the Board within thirty (30) days of completion of each course. Respondent shall send the original certificates to the Board by certified mail, return receipt requested.

10. Maintenance of Valid License

Respondent shall, at all times while on probation, maintain an active current license with the Board, including any period during which the license is suspended or probation is tolled.

11. Violation of Probation

If Respondent violates probation in any respect, the Board, after giving Respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If an accusation or a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

12. **Completion of Probation**

Upon successful completion of probation, Respondent's license will be fully restored.

13. **Cost Recovery**

Respondent shall pay to the Board the costs of investigation and enforcement of this case in the amount of \$750.00. Respondent shall make quarterly payments to the Board to accompany each quarterly report (probationary condition #2) such that the full amount of cost recovery is paid no later than two (2) years prior to termination of probation. Failure to make timely cost recovery payments shall be considered a violation of probation.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my application for a license to practice occupational therapy. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Board of Occupational Therapy.

DATED: 01/11/07


CYNTHIA LEE BILLINGS
Respondent

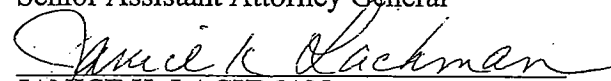
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted or consideration by the California Board of Occupational Therapy of the Department of Consumer Affairs.

DATED: 01/11/07

EDMUND G. BROWN JR., Attorney General
of the State of California

ALFREDO TERRAZAS
Senior Assistant Attorney General


JANICE K. LACHMAN
Supervising Deputy Attorney General

Attorneys for Complainant